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3
4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

8 Plaintiff,

9 v.

10 STEVEN A. STEWART

11 Defendants.

ORDER

(*Ex Parte* Mot. Subpoena – ECF No. 867)

12 This matter is before the court on Defendant Steven A. Stewart's *Ex Parte* Motion for
13 Subpoena Duces Tecum (ECF No. 867). Having reviewed and considered the matter pursuant to
14 Rule 17 of the Federal Rules of Criminal Procedure, the court finds that Mr. Stewart has met his
15 burden of establishing the need for pretrial production of the materials described in the Motion.
16 Although the court finds good cause for Stewart's Motion to remain *ex parte* and under seal, the
17 Motion provides no justification for issuance of an *ex parte* subpoena giving him exclusive pretrial
18 access to the documents he seeks. The court will therefore direct issuance of the subpoena duces
19 tecum directing the custodian of records for the agency to produce the designated items to the
20 Clerk of the Court by December 23, 2016. Upon receipt of the documents, the Clerk shall notify
21 counsel for the parties that the documents are available for inspection and copying.

22 Accordingly,

23 **IT IS ORDERED:**

24 1. Defendant Steven A. Stewart's *Ex Parte* Motion for Subpoena Duces Tecum (ECF
25 No. 867) is **GRANTED**, and shall remain *ex parte* and under seal.

26 2. The Clerk of the Court shall issue the attached subpoena, conforming to the court's
27 instructions herein, and deliver a copy of this Order and the subpoena to the U.S.
28 Marshal for service.

1 3. The custodians of records shall produce and forward records responsive to the
2 subpoena by **December 23, 2016**, along with a copy of this Order, to:

3 Clerk of Court
4 United States District Court for the District of Nevada
5 333 Las Vegas Blvd., South
6 Las Vegas, Nevada 89101

7 4. Upon receipt of the records, the Clerk of Court shall notify counsel for the parties
8 that the documents are available for inspection and copying.
9 5. The cost of process, fees, and expenses for the subpoena shall be paid as if
10 subpoenaed on behalf of the government, the Court being satisfied that Defendant
11 Steven A. Stewart is financially unable to pay the fees and expenses.

12 Dated this 14th day of October, 2016.

13 
14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
 for the
 District of Nevada

United States of America)	
v.)	
STEVEN STEWART)	Case No. 2:16-cr-00046-GMN-PAL
<hr style="border: 0.5px solid black; margin: 5px 0;"/>		
<i>Defendant</i>)	

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To:

United States Department of the Interior--National Park Service
 601 Nevada Way
 Boulder City, NV 89005

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Lloyd D. George - U.S. Federal Court 333 Las Vegas Boulevard Las Vegas, NV 89101	Courtroom No.: Honorable Judge Leen
	Date and Time: 12/23/2016 03:00

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

This is a subpoena duces tecum. Therefore, the materials requested below (Ex.A) shall be delivered to the clerk of the court no later than the date and time noted above, who shall notify counsel for the parties that the documents are available for inspection and copying.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) _____ **Steven Stewart** _____, who requests this subpoena, are:

Tanasi Law Offices
 601 South Seventh Street, Floor 2
 Las Vegas, NV 89101
 702-906-2411
 rtanasi@tanasilaw.com

Case No. 2:16-cr-00046-GMN-PAL

PROOF OF SERVICEThis subpoena for (*name of individual and title, if any*) _____was received by me on (*date*) _____.

I personally served the subpoena on the individual at (*place*) _____
 on (*date*) _____; or

I left the subpoena at the individual's residence or usual place of abode with (*name*) _____
 , a person of suitable age and discretion who resides there,
 on (*date*) _____, and mailed a copy to the individual's last known address; or

I served the subpoena on (*name of individual*) _____, who is
 designated by law to accept service of process on behalf of (*name of organization*) _____
 on (*date*) _____; or

I returned the subpoena unexecuted because _____; or

Other (*specify*): _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Ex. A.

- (1) the National Park Service (“NPS”) use of force policies and procedures as it pertains to all officers, rangers, and/or special agents trained on or before April 12, 2014 and present at the Bunkerville, Nevada standoff that is the subject of the Superseding Indictment [Doc. 27] in this case;
- (2) the NPS’s official duties as it pertains to all officers, rangers, and/or special agents present at the present at the Bunkerville, Nevada standoff, on April 12, 2014 that is the subject of the Superseding Indictment [Doc. 27] in this case.